

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF MISSISSIPPI**



**Administrative Procedures for  
Electronic Case Filing**

Electronic Means for Filing, Signing and  
Verification of Pleadings and Papers

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## **ADMINISTRATIVE PROCEDURES**

### **Section 1. INTRODUCTION AND SCOPE OF ELECTRONIC FILING**

In the United States Bankruptcy Court for the Southern District of Mississippi, the filing of court pleadings and documents is carried out electronically through the Court's Case Management/Electronic Case Filing system. This system permits properly registered users to file documents and to view and search court records from any location over the Internet, twenty-four hours a day. Non-registered parties may review, but not file, documents in the system by utilizing the court's Public Access to Court Electronic Records (PACER) program. The following information explains the court procedures applicable to system use. The document, *Administrative Procedures for Electronic Case Filing*, is available on the court's web site, [www.mssb.uscourts.gov](http://www.mssb.uscourts.gov). When modifications or revisions are made to the administrative procedures, an announcement will appear on our web site. Registered users of ECF should frequently check the web site for any revisions or changes as well as other important announcements.

The following procedures govern the utilization of the system.

#### **A. Authorization for Electronic Filing**

The Uniform Local Rules of the Northern and Southern Bankruptcy Courts of Mississippi ["Local Rules"] authorize electronic filing. The following procedures shall govern electronic filing in this district unless, due to extraordinary circumstances in a particular case, a Judge or the Clerk of the Court determines that these policies and procedures should be modified in the interest of justice.

#### **B. Participants in Electronic Filing**

The system permits registered users to file documents with the court from any location over the Internet. While all parties, including those proceeding pro se, may register to receive "read only" PACER accounts, only registered users are permitted to file electronically.

#### **C. Training and Technical Assistance**

These procedures govern electronic filing in the Bankruptcy Court for the Southern District of Mississippi, and are not intended as a technical guide for the use of the system. Information regarding the equipment needed to participate in ECF, as well as information on training and access to computer-based tutorials, can be obtained from the court's website at, [www.mssb.uscourts.gov/cmecf](http://www.mssb.uscourts.gov/cmecf). Procedures and instructions for using the court's ECF system consistent with the policies set forth herein are also located on the website.

#### **D. Definitions and Instructions**

The term “conventional filing” or “paper filing” means presentation to the Clerk’s office of a hard copy of a document which cannot or should not be filed electronically. The document will be scanned for inclusion as a PDF image. The “image” is not a searchable document.

The term “document” shall include pleadings, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices, and any other filing by or to the court, whether or not the document is electronic or a hard or paper copy. “Hard copy” and “paper copy” are used interchangeably in these procedures.

The term “ECF” refers to the Court’s Electronic Case Filing system. The term “CM/ECF” is used interchangeably with the terms “ECF” and “system” and refers to the Case Management/Electronic Case Filing system.

An “ECF User” is a party who is registered to use the ECF site; a “PACER User” is a party only entitled to read the documents filed.

“Electronic filing” means uploading a document in PDF format directly from the registered user’s computer for the purpose of filing that document in the court’s case file using the court’s Electronic Case Filing system which is an Internet-based system. **Sending a document or pleading to the court via e-mail or facsimile is not authorized and does not constitute “electronic filing” except as provided in Section 8.A. of the Administrative Procedures for Electronic Case Filing.**

The “E-Mail Address of Record” is the Internet e-mail address of each party or attorney in the case who is an ECF Filing User.

A “Notice of Electronic Filing” (NEF) is generated automatically by the ECF system upon completion of an electronic filing. The Notice of Electronic Filing when e-mailed to the e-mail addresses of record in the case acts as the proof of service.

The term “PACER” refers to the Public Access to Court Electronic Records, an automated public service that allows users to obtain case and docket information via the internet from federal appellate, district and bankruptcy courts.

The term “PDF” refers to Portable Document Format. A PDF document allows anyone to open the converted document across a broad range of hardware and software, with layout, format, links, and images intact.

“Restricted access” or “limited access” means that only counsel of record and the court shall have access to the electronic case files.

**E. Selection and Designation of Cases for ECF**

On authority of Rule 5005(a)(2) of the Federal Rules of Bankruptcy Procedure, all petitions, lists, schedules, statements, proofs of claim or interest, complaints, motions, applications, objections and other papers, except sealed documents, that are to be filed of record on the docket of the Clerk of Court in any case or proceeding shall, as of October 1, 2006, and thereafter be filed by electronic means, either at the location of the Clerk's office designated by Local Rule by using equipment and electronic filing software provided by the Clerk, or from a remote location. Parties proceeding *pro se* shall not file electronically. Rather a *pro se* party shall file all pleadings as a "paper" or "conventional" filing.

**Section 2. REGISTRATION FOR THE ELECTRONIC FILING SYSTEM**

**A. Eligibility**

Attorneys admitted to practice in this court, including attorneys admitted under the *pro hac vice* provisions of the local rules of this district, may register as an ECF user. Other parties, i.e., creditors, and creditors' representatives may register as an ECF limited user.

**B. Registration**

1. Attorneys must register with the Clerk's office in order to file documents electronically. Each attorney in a law firm must individually register.
2. Each attorney registering in the system will receive an Internet e-mail message after his or her Login ID has been assigned. This is to insure that the attorney's Internet e-mail address has been entered correctly in the system and to convey the login information to the attorney. At the time of ECF training, attorneys will be provided registration forms and will be given an opportunity to request a specific Login ID when completing the registration process. Every effort will be made to accommodate such requests. For security purposes, an attorney's password will not be transmitted via email. The attorney will select and identify his/her password at the time of training.
3. Pursuant to the Uniform Local Rules for the Bankruptcy Courts for the Northern and Southern Districts of Mississippi, Rule 9076-1, an attorney's registration will constitute a waiver of conventional service of documents. The attorney agrees to accept service of notice of the electronic filing by authorized e-mail.
4. Registered Users are responsible for updating their mailing address or e-mail address on-line through the ECF system.

### **C. Passwords**

Each party registered to participate in the system shall be entitled to one system password. Parties may change their own passwords.

Pursuant to Fed.R.Bankr.P. 9011(a), every petition, pleading, written motion, and other paper, except a list, schedule, or statement, or amendments thereto, shall be signed by at least one attorney of record in the attorney's individual name. A party who is not represented by an attorney shall sign all papers.

An attorney's password issued by the court combined with the user's identification serves as the attorney's signature for Rule 9011 and other purposes. Therefore, it is imperative that an attorney protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney to immediately notify the court by calling the Clerk's office. In the event of the resignation or reassignment of the person with authority to use a password, the attorney should change the password immediately.

No registered user shall knowingly permit his or her password to be utilized by anyone other than an authorized employee of his or her office. Once registered, the registered user shall be responsible for all documents filed with his or her password.

## **Section 3. ELECTRONIC FILING OF DOCUMENTS**

### **A. Filing**

1. Unless otherwise permitted by these procedures or otherwise authorized by a judge, all documents<sup>1</sup> submitted for filing in this district in bankruptcy cases and bankruptcy adversary proceedings, no matter when a case was originally filed, should be filed electronically.
2. Electronic transmission of a document will, upon the complete transmission of the same to the Clerk's office, constitute filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Rules of this court, and will constitute entry of that document onto the docket maintained by the Clerk pursuant to Fed.R.Bankr.P. 5003.
3. A receipt acknowledging that the document has been filed will immediately appear on the filer's screen. Parties can also verify the filing of documents by inspecting the court's electronic docket sheet. The court

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<sup>1</sup> The requirement that "all documents" be filed electronically includes briefs, attachments and exhibits used in support of motions. See General Order Regarding Electronic Filing entered May 11, 2006.

may, upon the motion of a party or upon its own motion, strike any inappropriately filed document.

4. Filing documents electronically does not alter any filing deadlines. All electronic transmission of documents must be completed (i.e., received completely by the Clerk's office) prior to midnight in order to be considered timely filed that day. Although parties may file documents electronically 24 hours a day, attorneys and parties are **strongly** encouraged to file all documents during the regular business hours (8:00 a.m. - 4:30 p.m., Monday through Friday) of the Clerk's office, when assistance is available.
5. All documents which form part of a single pleading and which are being filed at the same time may be electronically filed together under one document number, e.g., the motion and a supporting affidavit, with the exception of memoranda in support. Memoranda in support shall be electronically filed separately and shown as a related document to the motion.
6. In filing documents and attachments to documents, a filing party should electronically image, *i.e.*, "scan," the paper exhibit that is less than two megabytes (2 MB) and submit the exhibit as an attachment in PDF format. Some attached documents, whether a scanned exhibit or other evidence, may exceed the 2MB size requirement on the system. When this occurs, the document shall be reduced to as many 2 MB "bundles" as required to file the entire document. Each bundle is filed as a separate attachment, and requires that the division of the attachments be listed in the description of the attachment, *i.e.*, "Exhibit 1 - Pages 1- 43" or "Exhibit 1 - Pages 43 - 83." Attorneys are encouraged to file an Exhibit List as the first attachment.
7. Any fee required for filing a pleading in the bankruptcy court is payable to the Clerk of the Court. Payment of all filing fees for CM/ECF transactions must be made online through the *Pay.gov* application. *Pay.gov* is a web based secure application which allows online payments to be made by credit card or debit card from a checking or savings account 24 hours a day, 7 days a week. All payment of fees for CM/ECF transactions must be made the same day the transaction is submitted. If your account is not settled each day, it is likely the system will prevent you from filing until the outstanding balance has been paid.

## **B. Signatures**

Documents which must be filed and which must contain original signatures or



which require either verification or an unsworn declaration under any rule or statute, shall be filed electronically, with originally executed copies maintained by the filer for one year after the case is closed in the bankruptcy court.

**C. Title of Documents**

The person electronically filing a pleading or other document will be responsible for designating a title for the pleading or other document by using one of the categories listed in the Events List on the court's website at [www.mssb.uscourts.gov](http://www.mssb.uscourts.gov) and selecting the CM/ECF button.

**D. Filing Deadlines**

Filing documents electronically does not alter any filing deadlines or any time computation pursuant to Fed.R.Bankr.P. 9006. All electronic transmissions of documents must be completed prior to **midnight Central Time**. For the filing to be **completed**, the filer must have received the Notice of Electronic Filing from the court. Although documents can be filed electronically 24 hours a day, filers are strongly encouraged to file all documents during office hours (8:00 a.m. - 4:30 p.m., Monday - Friday) when assistance in the Clerk's Office is available.

**E. Errors in Filing**

Once a document is submitted electronically, it becomes part of the court record, and corrections may be made only by the court and/or the Clerk's office. The system **will not permit** the filing party to make changes to the document(s) or docket entry once the transaction has been submitted, and the filer should **not** attempt to refile the document(s).

As soon as possible after an error is discovered, the filing party should contact the Case Administrator responsible for the case, and provide the case number and document number for which the correction is being requested. A list of the Case Administrators and their respective assigned digits can be found on our web page at [www.mssb.uscourts.gov](http://www.mssb.uscourts.gov) under Office Information. If appropriate, the Clerk's office will make an entry on the docket indicating that the document was filed in error, or otherwise describing the error. The Clerk's office will inform the filing party of the corrective steps which need to be taken.

**Section 4. ELECTRONIC SERVICE OF DOCUMENTS**

**A. Service of Filed Documents on Parties**

1. The system will generate a "Notice of Electronic Filing" when any

document is filed. This notice represents service of the document on parties who are registered participants with the system. The filing party shall not be required to serve any pleading or other documents on any party receiving electronic notice, except as set out in numbered paragraph 3. below. A Certificate of Service must still be attached to the document. The Certificate of Service should set out the parties, name and mailing address or electronic mailing address whichever is applicable.

2. The filing party shall also serve those parties not designated or able to receive electronic notice but nevertheless are entitled to notice of said pleading or other document in accordance with the Federal Rules of Bankruptcy Procedure and the Local Rules, except as otherwise provided by order of the court. If such service of a paper copy is to be made, it shall be done in the manner provided in the Federal Rules of Bankruptcy Procedures and the Local Rules.
3. A party may not electronically serve a summons and complaint, but instead must perfect service according to Fed.R.Bankr.P. 7004.
4. Service by electronic mail will constitute service pursuant to the Uniform Local Rules for the Bankruptcy Courts for the Northern and Southern Districts of Mississippi, Rule 9076-1.
5. Service by electronic means is not effective if the party making service learns that the attempted service did not reach the person to be served.

**B. Certificate of Service**

A Certificate of Service continues to be a requirement when filing documents electronically.

**Section 5. ORDERS**

**A. Proposed Orders Procedure**

**Proposed orders shall be filed electronically** in those cases assigned to Judge Olack. The proposed order should be filed as an attachment to the main pleading or other document.

**B. Electronic Order Procedure**

Detailed instructions for submitting orders electronically is set out in the E-Order Attorney Guide located on our web site at [www.mssb.uscourts.gov](http://www.mssb.uscourts.gov) under CM/ECF.

**C. Text Only Orders**

Although not routinely used, a judge may grant routine orders by a text-only entry upon the docket. In such cases, no PDF document will issue and the entry will contain language that “no further written order will issue from the court.” The text-only entry shall constitute the court’s only order on the matter. A text-only order carries the same weight and authority as a written order signed by a judge. The system will generate a Notice of Electronic Filing for text-only entries as described in these procedures.

**D. Entry of Orders**

The office of the Clerk of Court or a judicial officer of the court shall enter all orders, decrees, judgments, and proceedings of the court in accordance with the Electronic Filing Procedures, which shall constitute entry of the order, decree, judgment, or proceeding on the docket kept by the Clerk under Fed.R.Bankr.P. 5003.

**Section 6. CONVENTIONAL FILING OF DOCUMENTS**

**A. Conventional Filings.** As used in these procedures, a “conventionally” filed or submitted document or pleading is one presented to the Clerk or a party on 8-1/2 inch by 11 inch paper or other non-electronic, tangible format; **documents filed conventionally should NOT be stapled or bound.** The following documents shall be filed conventionally and not electronically unless specifically authorized by the court:

1. **Sealed documents and motions to seal** shall be filed conventionally.
2. **Documents filed by pro se litigants** shall be filed conventionally.

**B. Service of Conventional Filings**

Pleadings or other documents which are filed conventionally rather than electronically filed shall be served in the manner provided for in the Federal Rules of Bankruptcy Procedure and the Local Rules, except as otherwise provided by order of the court.

**Section 7. PUBLIC ACCESS TO THE SYSTEM**

**A. Public Remote Access Through PACER**

Public remote access to the system for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records (“PACER”) system. The

Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing certain detailed case information such as docket sheets and filed documents. PACER users may access the system at the court's Internet site at [www.mssb.uscourts.gov](http://www.mssb.uscourts.gov). Such access to the system through the Internet site will allow retrieval of the docket record and documents. Unless a user has a CM/ECF filing level account, access to the system will be on a "read only" basis.

**B. Public Access at the Court**

The public will have free electronic access for viewing of bankruptcy case and adversary proceeding documents filed in the system in the office of the Clerk during regular business hours. A copy fee for reproduction of documents is required in accordance with 28 U.S.C. §1914.

**C. Conventional Copies and Certified Copies**

Conventional copies and certified copies of the electronically filed documents may be obtained at the office of the Clerk, during regular business hours. A list of fees is available on the court's website at [www.mssb.uscourts.gov](http://www.mssb.uscourts.gov).

**Section 8. TECHNICAL FAILURES**

**A. The Court's System**

*During regular business hours*, the registered user should contact the appropriate location of the Bankruptcy Clerk's office by telephone and speak with a supervisor or in the supervisor's absence, the case administrator assigned to the case.

Jackson Clerk's Office	601-965-5301
Gulfport Clerk's Office	228-563-1790

The registered user should state why an immediate filing is necessary. Suitable arrangements will be made for the Clerk's Office to accept the filing. Such a filing is effective upon receipt and will be electronically entered and docketed when ECF is accessible unless otherwise ordered by the Court.

*After the close of business*, if a registered user cannot access ECF to effect a filing and the filing is time sensitive and will be made untimely as a result of a technological failure of ECF, the registered user should call:

Jackson Clerk's Office	601-572-5698
Gulfport Clerk's Office	601-572-5850

The supervisory staff member assigned to monitor the emergency phone line will

make arrangements with the registered user to accept the filing. Such a filing is effective upon receipt by the assigned supervisory staff member and will be electronically entered and docketed when ECF is accessible unless otherwise ordered by the Court. If the Court determines the failure to electronically file was caused by an error of the registered user, or a misuse or abuse of the emergency filing procedures, the Court may strike the document and issue sanctions, which may include additional mandatory training.

## **B. The Attorney's System**

Problems with the registered user's system(s), such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, do not constitute a "technical failure" under these procedures. A filer who cannot file a document electronically because of a problem with the registered user's hardware, software, Internet connection or other such problems, may file the document(s) at the Clerk's Office during regular business hours.

***Practice Note:** Electronic filing during the Clerk's Office business hours (8:00 a.m. - 4:30 p.m. Central Time) is recommended. Registered users are encouraged to file any time sensitive cases or documents to allow sufficient time to arrange an alternative filing should the ECF system be unavailable. Parties should be aware that failure to file a petition or other pleading because of a failure of the court's ECF system, or the attorney's electronic system, will not necessarily relieve or excuse the attorney or the attorney's client from the consequences of failing to file by a certain time or date. Examples include: failure to file a bankruptcy petition and obtain an automatic stay prior to the foreclosure sale; failure to file a complaint pursuant to FRBP 4004; failure to file a complaint to obtain a determination of dischargeability of debt set forth in FRBP 4007; and numerous other types of pleadings set out by statute, rules or case law.*

## **Section 9. PRIVACY**

The privacy provisions of these procedures must comply with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002,<sup>2</sup> which includes a goal of promoting electronic access to case files while still protecting personal privacy. In this regard, counsel shall refrain from including, or shall partially redact where inclusion is necessary and relevant to the case, the following personal data identifiers from all pleadings filed with the court, including exhibits thereto. This procedure should be adhered to whether a filing is made electronically or in paper, unless otherwise ordered by the court.

1. **Social Security numbers** - shall be shown by only its final four digits.

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<sup>2</sup> The E-Government Act is located at 44 U.S.C. §§ 3601 through 3606 (Supp. 2002). Amendments to the Act were last made on August 2, 2004.

2. **Names of minor children** - shall be stated by only the child's initials.
3. **Dates of birth** - shall be stated by only the year of birth.
4. **Financial account numbers** - shall be stated by only the last four digits or letters of the number.

**The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review pleadings for compliance with this procedure.**

Attorneys are also advised to exercise cautions when filing documents that contain the following:

- 1) personal identifying number, such as driver's license number;
- 2) medical records, treatment and diagnosis;
- 3) employment history;
- 4) individual financial information; and
- 5) proprietary or trade secret information.

Attorneys are strongly urged to share this notice with all clients so that an informed decision may be made about the inclusion of certain materials in court documents.

Counsel and the parties are cautioned that failure to redact personal identifiers and/or the inclusion of irrelevant personal information in a pleading or exhibit filed electronically with the court may subject counsel to the disciplinary and remedial powers of the court.

## **Section 10. TRANSCRIPTS**

Because transcripts of proceedings are subject to being filed electronically and therefore being remotely available to the public through PACER, attorneys are urged to develop the trial record by excluding in any testimony and documentary evidence the personal identifiers set forth in the E-Government Act of 2002 and in Section 9 of these procedures.